

## REMARKS

Reconsideration is respectfully requested.

### 35 USC §112, 2ND PARAGRAPH

The Examiner has rejected Claims 1-14, under 35 USC §112, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner has stated that “since no function is specified by the words preceding ‘means,’ it is impossible to determine the equivalents of the element” Applicant respectfully submits that, as stated in the cited case, *Ex Parte Klumb* 159 USPQ 694, “printing means” and “means for printing” have the same connotation. The claim element need not have a function specified by the words preceding the word “means” as long as the words following “means” teach the function. Applicant’s means limitations teach the functions (and therefore the basis for determining equivalents) using the latter grammatical structure (means for...), which has been well established by the courts as acceptable and definite.

Further, Applicant respectfully submits that the Examiner has given no basis for rejecting Claims 7-14 under 35 USC §112. Claims 7-14 are not means claims.

Therefore, Applicant submits that Claims 1-14 are not indistinct as suggested by the Examiner. It is respectfully submitted that rejection of these Claims should be withdrawn.

Applicant believes that all Claims, as amended, are now in proper order with respect to 35 USC §112, 2nd paragraph, and respectfully requests that all such rejections be withdrawn.

### 35 USC §102

The Examiner has rejected Claims 1-14 under 35 USC §102, as allegedly being anticipated by *Wegenheim* (US 5,797,166). And has also rejected Claims 1-14 under 35 USC §102, as allegedly being anticipated by *Kosteniuk* (US 5,645,306).

Applicant has amended claim 1 to include the limitation of “wherein said vertical blocking means comprises at least one barbed hook” and has amended claim 7 to include the limitation of “wherein said at least one vertical blocker comprises at least one barbed hook.”

The Examiner has not established a prima facie case of anticipation under 35 USC §102 for Claim 12 or Claim 13 since neither the *Wegenheim* reference nor the *Kosteniuk* reference teaches each and every element of Applicant’s claims. The Examiner has not pointed out teachings within the references that meet the Applicant’s limitation of “wherein said at least one vertical blocker comprises at least one barbed hook.” The *Wegenheim* reference does not teach

such a barbed hook. Further, the triangular flange **40** of the Kosteniuk reference is clearly not a barbed hook.

Thus, it is respectfully submitted that rejection of Claim 1, as currently amended, (and all Claims dependent thereon) and Claim 7, as currently amended, (and all Claims dependent thereon) should be withdrawn.

Applicant believes that all Claims, as amended, are now allowable with respect to 35 USC §102 and respectfully request that all such rejections be withdrawn.

Applicant respectfully points out, that according to the MPEP 706, "the examiner should never overlook the importance of his or her role in allowing claims which properly define the invention."

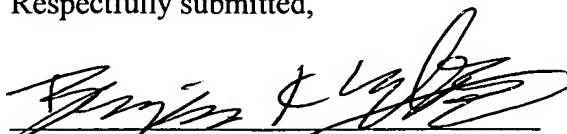
In view of the above comments, all of the presently (amended and/or) pending Claims in this application are believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw any outstanding rejections of the Claims and to allow this application.

A petition and fee for extension of time under 37 C.F.R. § 1.136(a) have been submitted under separate cover. If there are any fees incurred by this Amendment Letter, please deduct them from our Deposit Account NO. 50-1887.

If the Examiner is inclined for any reason not to issue a notice of allowability after entering this amendment, Applicant respectfully requests that the Examiner grant a telephonic interview to Applicant's undersigned agent in order to discuss Applicant's amendment (before the Examiner prepares a second office action), to attempt to reach mutual understanding and clarify any outstanding issues. Applicant respectfully requests that the Examiner call Applicant's undersigned agent at 602-263-9200 to schedule a telephonic interview at least two business days in advance to allow the Applicant's undersigned agent time to prepare and schedule the interview. For telephonic scheduling purposes, Applicant's agent is located in Arizona, in the Mountain Standard Time zone.

Respectfully submitted,

Date: November 18, 2005

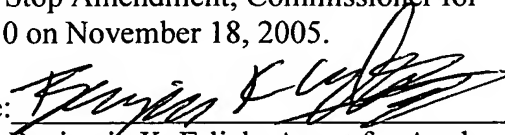


Benjamin K. Erlick (51,656)  
3113 North 3rd Street  
Phoenix, AZ 85012  
(602) 263-9200  
Agent For Applicant

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 18, 2005.

Date of Sig. November 18, 2005

Signature:

  
Benjamin K. Erlick, Agent for Appl.

Name of Registered Representative:

